



Plattsburgh, New York

Randal J. Stone
Assistant Chief

Plattsburgh Fire Department
65 Cornelia Street
Plattsburgh, NY 12901
Tel: 518-561-5965
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stoner@cityofplattsburgh-ny.gov

MEMO

TO: Mayor Donald Kasprzak
Members of the Common Council

FROM: Assistant Fire Chief, Randal Stone

DATE: December 5, 2013

RE: Fire and Ambulance Responses

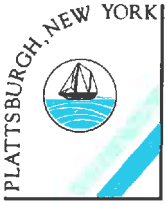
For this two week period: Thursday, November 21, 2013 to Wednesday, December 4, 2013
our Department has responded to the following:

Fire Calls	<u>34</u>
	4 system activations
	14 EMS assist
	2 water/steam leak
	4 cooking fire
	1 MVA
	1 hazmat release investigation
	1 heat from short circuit (wiring)
	1 building fire
	1 smoke/odor removal
	1 arcing
	1 chimney fire
	1 passenger vehicle fire
	1 smoke scare/odor of smoke
	1 service call
Ambulance Calls	96
Mutual Aid by CVPH	14

BUILDING INSPECTOR'S COMPLAINT REPORT: DECEMBER 3, 2013

DATE	ADDRESS	COMPLAINT	INSPECTOR	VIOLATION	STATUS	DATE
08/01/13	21 DURAND ST	MATRESS ON CITY PROPERTY	KP	VIOLATION NOTICE ISSUED	CORRECTED	8/5/13
09/6/13	175 OAK ST	ABANDONED HOME	KP	VIOLATION NOTICE ISSUED	CORRECTED	11/6/13
10/30/13	73 SAILLY AVE	PORCH NEEDS REPAIR	KP	UNSUBSTANTIATED	NO CORRECTION REQUIRED	
10/7/13	31 SOUTH PERU ST	SIDING BLOWING IN THE WIND	KP	VIOLATION NOTICE ISSUED	CORRECTED	10/7/13
11/02/13	70 SOUTH PERU STREET (# 8)	UNSAFE EXITS	KB		CORRECTIVE ACTION IN PROCESS	
11/19/13	7 SANDALWOOD WAY	FIRE PREVENTION FOLLOW UP	KB		CORRECTIVE ACTION IN PROCESS	
11/19/13	70 SOUTH PERU ST (3 ETHEL WAY)	FURNACE NOT WORKING	KB		CORRECTIVE ACTION IN PROCESS	
11/19/13	72 COURT ST	TRASH DOWN DRIVEWAY	KP		CORRECTIVE ACTION IN PROCESS	
11/19/13	76 COURT ST	TRASH DOWN DRIVEWAY	KP		CORRECTIVE ACTION IN PROCESS	
11/20/13	5046 OR 5045 SOUTH CATHERINE ST	OCCUPANCY	KB		CORRECTIVE ACTION IN PROCESS	
11/21/13	15 COUCH ST	GARBAGE, OVERGROWTH	JM		CORRECTIVE ACTION IN PROCESS	
11/22/13	VETERANS LANE	NO RESTROOMS	KB		CORRECTIVE ACTION IN PROCESS	

DATE	TIME	STREETS	COMPLAINT	INSPECTOR	INSPECTION	REMARKS	CORRECTED	COMPLETION DATE
11/22/13	133	BRINKERHOFF ST	NO SMOKE DETECTORS OR HEAT	CB		CORRECTIVE ACTION IN PROCESS		
11/25/13	143	BRINKERHOFF ST	FIRE PREVENTION FOLLOW UP	CB		CORRECTIVE ACTION IN PROCESS		
11/26/13	12	GOLF AVE	BASEMENT FLOODED WITH WATER	KB		CORRECTIVE ACTION IN PROCESS		
11/5/13		LAFAYETTE/CORNELIA STREETS	COUCH ON LAWN	KP	VIOLATION NOTICE ISSUED	CORRECTED		11/8/13
12/2/13	162	CORNELIA ST	GARBAGE	KP		CORRECTIVE ACTION IN PROCESS		
12/3/13	64-70	US OVAL	PARKING ON THE LAWN	KB		CORRECTIVE ACTION IN PROCESS		



Plattsburgh, New York

David M. Powell
Chief Plant Operator

Water Pollution Control Plant
53 Green Street
Plattsburgh, New York 12901
518-563-7172
Fax: 518-566-8540

November 25, 2013

Honorable Mayor Donald Kasprzak
and Members of the Common Council
41 City Hall
Plattsburgh, NY 12901

**RE: REQUEST FOR PERMISSION TO ADVERTISE
FOR BIDS FOR 15% SODIUM HYPOCHLORITE TRADE SOLUTION
FOR WPCP & WATER FILTRATION PLANT - CONTRACT #2013 - 21**

Dear Mayor Kasprzak and Councilors:

It is respectfully requested that authorization be granted to advertise for bids for the purchase of bulk 15% sodium hypochlorite trade solution for use in odor control and disinfection at the Water Pollution Control Plant and for disinfection at the Water Filtration Plant. The contract period will be from January 29, 2014 through January 28, 2015.

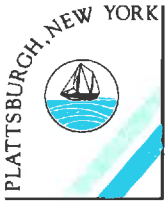
Bids to be received at the office of the City Clerk, in sealed envelopes marked "**15% Sodium Hypochlorite Trade Solution, for the WPCP/Water Filtration Plant,**" on or before 11:00 a.m., Friday, January 10, 2014. Bid specifications will be available at the City Clerk's office on or after December 6, 2013. For the 2014 budget, we have budgeted \$95,000 for a quantity of 95,000 gallons for use only at the WPCP. Additionally, 25,000 gallons were estimated for use at the Water Filtration Plant. The bid total is 120,000 gallons.

Very truly yours,

David M. Powell
Chief Plant Operator

DMP:bl

cc: Jon Ruff
City Chamberlain
City Clerk
Files (2)



Plattsburgh, New York

David M. Powell
Chief Plant Operator

Water Pollution Control Plant
53 Green Street
Plattsburgh, New York 12901
518-563-7172
Fax: 518-566-8540

November 25, 2013

Honorable Donald Kasprzak
and Members of the Common Council
41 City Hall Place
Plattsburgh, NY 12901

**RE: REQUEST FOR PERMISSION TO ADVERTISE
FOR BIDS FOR SODIUM THIOSULFATE
FOR WATER POLLUTION CONTROL PLANT
CONTRACT #2013-22**

Dear Mayor Kasprzak and Councilors:

I respectfully request authorization to advertise for bids for sodium thiosulfate chemical for use at the Water Pollution Control Plant. For the coming year, the period of the contract will be from January 29, 2014 through January 28, 2015.

Bids to be received at the Office of the City Clerk, in sealed envelopes marked **"Sodium Thiosulfate for the WPCP, Contract #2013-22"**, on or before 11:00 a.m., Friday, January 10, 2014. Bid specifications will be available at the City Clerk's office on or after December 6, 2013. For the 2014 budget, we have budgeted \$97,300 for a quantity of 35,380 gallons.

Very truly yours,

David M. Powell
Chief Plant Operator

DMP:bl

cc: Jon Ruff
City Chamberlain
City Clerk
Files (2)



Plattsburgh, New York

David M. Powell
Chief Plant Operator

Water Pollution Control Plant
53 Green Street
Plattsburgh, New York 12901
518-563-7172
Fax: 518-566-8540

November 25, 2013

Honorable Mayor Donald Kasprzak
and Members of the Common Council
41 City Hall Place
Plattsburgh, NY 12901

**RE: REQUEST FOR PERMISSION TO ADVERTISE FOR BIDS
FOR LIQUID ALUM FOR WPCP
CONTRACT #2013-23**

Dear Mayor Kasprzak and Councilors:

The current market for Liquid Alum has changed and the bid quantity to be bid has also changed substantially, and it is recommended to go back out to bid in lieu of granting a bid extension. It is respectfully requested that authorization be granted for the City Clerk to advertise for bids for the purchase of Liquid Alum chemical for use at the Water Pollution Control Plant. The contract period of will be from January 29, 2014 through January 28, 2015.

Bids to be received at the Office of the City Clerk, in sealed envelopes marked, "**Liquid Alum for the WPCP, Contract #2013-23**", on or before 11:00 a.m., Friday, January 10, 2014. Bid specifications will be available at the City Clerk's office on or after December 6, 2013. For the 2014 budget, we have tentatively budgeted \$16,300 for a quantity of 38.5 dry tons (about 14,260 gallons).

Very truly yours,

David M. Powell
Chief Plant Operator

DMP:bl

cc: Jon Ruff
City Chamberlain
City Clerk
Files (2)



Plattsburgh, New York

Richard A. Marks
City Chamberlain

Department of Finance
6 Miller Street
Plattsburgh, NY 12901
518-563-7704 TEL
518-563-1714 FAX

Date: November 27, 2013
MEMO TO: Mayor Kasprzak
FROM: Richard Marks
RE: Assessor -- Budget Transfer

It is being requested from the Assessor to adjust amounts for the 2013 Budget as follows:

Decrease Appropriation:	Regular Payroll	1-1355000-1100	\$2,948.00
Increase Appropriation:	Contract Services	1-1355000-4430	\$2,948.00

This request will provide an increase to the 2013 budgeted appropriations for contract services in the Assessor Department for additional legal fees to support the City's assessment of the Main Mill Investment property being contested in court with a corresponding decrease to the 2013 budgeted appropriations for regular payroll available from time reductions. This adjustment increases and decreases the 2013 General Fund Budget by \$2,948.00, equally, creating no change in the total budget.

Thank you for your attention to this request.

Cc: Carole Garcia
Derek Rosenbaum
Kathy Livingston

Local Law P-2 of 2013; CITY OF PLATTSBURGH MOORING LAW

Introduced by Councilor _____ at a regular meeting of the Common Council held on December 5, 2013.

Moved by: Councilor _____

Seconded by Councilor _____

Be it enacted by the Common Council of the City of Plattsburgh, as follows:

Section 1. Title This local law shall be known as the "City of Plattsburgh Mooring Law" and shall be cited as Chapter 200 of the City Code.

Section 2. Purpose and Authority

The purpose of this local law is to regulate the placement, construction and use of moorings in the waters of Lake Champlain adjoining the City of Plattsburgh to a distance of fifteen hundred (1500) feet from shore as authorized by the New York State Navigation Law §46-a and the Municipal Home Rule Law, to protect the interests of waterfront property owners and the general public.

Section 3. Applicability of this Law.

On and after the *effective date*, this law shall apply to all moorings within the City of Plattsburgh that are located within 1500 feet of the mean high water mark of Lake Champlain. This law does not abrogate the regulatory authority of the New York State Department of Environmental Conservation (hereinafter referred to as the DEC), New York State Office of General Services (hereinafter referred to as the OGS) or the U.S. Army Corps of Engineers (hereinafter referred to as the Corps of Engineers), nor does it release anyone from compliance with regulations issued by these or other Federal or State agencies having jurisdiction over the use of public waterways. All moorings shall comply with this and all other applicable laws and regulations of the City, DEC, Corps of Engineers and any other New York State and federal laws, agencies and authorities having jurisdiction. The provisions of this law do not apply to lakeshore parcels owned by New York State or the United States.

Section 4. Definitions

For the purposes of this law the following definitions shall apply:

draft dated: November 25, 2013

revised 11/27/2013

revised 12/2/2013

Boat - Any vessel requiring State or Federal registration for use on public waters.

Lakeshore Owner - The person or persons holding a fee simple title to the Lakeshore Parcel.

Lakeshore Parcel - A parcel of land bordering on the shore of Lake Champlain.

Marina – A lakeshore business engaged in the sale or rental of dock or mooring space.

Mean High Water Level - The approximate average of the low water level and high water level for Lake Champlain which as of the date of adoption of this law has been determined by the New York State Department of Environmental Conservation to be 99.8 feet.

Mooring means a float, buoy, chain, cable, rope, and anchor that cannot be stowed on the boat and to which a boat can be made fast.

Mooring Area means the water area between a lakeshore parcel's littoral rights lines as limited or circumscribed by a setback requirement.

Other Land Uses - All types of land uses on the lakeshore except Marinas.

Littoral Rights Line – littoral rights lines are imaginary lines that extend into the lake and define the littoral rights of adjoining lakeshore parcels.

Tie Line – The straight line extending between the points where boundaries of a lakeshore parcel intersect the mean high water mark.

Setback means a linear distance from a Littoral Rights Line beyond which moored vessels may not encroach.

Waterside - The lakeside of the mean high water mark.

Section 5. Permit Requirements, Application Procedures and Fees.

- A. A mooring permit is not required for a lakeshore parcel with four or less moorings.
- B. All Marinas shall have a mooring permit for existing and new moorings.
- C. The mooring permit application may require the following information:
 - 1. A Plan drawn to scale showing the location of existing and proposed moorings in relation to littoral rights lines; the depth of the lakeshore bottom at mooring anchor locations; the required setback distances of moorings from littoral rights lines and between mooring anchors; the location of docks, beaches or other landing areas where moored boats may dock or land dinghies; any required channel or mooring lights.

draft dated: November 25, 2013

revised 11/27/2013

revised 12/2/2013

2. A copy of any required State or Federal permit for moorings, or a certification and explanation as to why none are required.
 3. The identification of moorings reserved for transient boaters, if any.
 4. Such other information as the Code Enforcement Officer determines is necessary for a complete application.
- D. Site plan approval, pursuant to Chapter 270 of the City Code, is required for a new Marina with moorings and to increase in the number of moorings at an existing Marina.
- E. The Code Enforcement Officer is authorized to issue mooring permits and enforce the requirements of this Chapter.
- F. The annual fee for a mooring permit shall be as follows; which fee may be amended from time to time by resolution of the Common Council.

Number of Moorings	Permit Fee
0-4	None Required for non Marina Uses
5 to 25	\$250.00
Over 25	\$20 for each mooring over 25

Section 6. Number, Placement and Configuration of Moorings

- A. The boundaries of a lakeshore parcel shall be presumed to be as shown on the City of Plattsburgh Real Property Tax Maps.
- B. **Marinas.** A Marina lakeshore parcel must have a tie line at least 200 feet in length. A Marina whose tie line is 200 to 249.99 feet in length is permitted to have a maximum of 75 moorings, plus 20 moorings for each additional 50 feet of tie line length. Where a lakeshore owner owns adjoining waterfront parcels, the parcels may be considered as one parcel to determine tie lines and littoral rights lines.
- C. **Other Lakeshore Parcel Uses.** For all other lakeshore parcel uses, including residential and commercial uses, the maximum number of moorings allowed is as follows:

Lake Shore Parcel Tie Line Length	Maximum Number of Moorings
1-99.99 feet	4
100 to 199.99 feet	6
Over 199.99 feet	For each additional 50 feet 1 mooring is permitted

draft dated: November 25, 2013
revised 11/27/2013
revised 12/2/2013

- D. Moorings shall be located within a lakeshore parcel's mooring area.
- E. Marina mooring setback requirements:
 - 1. Moorings must be placed so that in all wind directions no part of a moored boat is closer than thirty (30) feet from a littoral rights line.
 - 2. Moorings must be placed so that in all wind directions no part of a moored boat will be closer than thirty (30) feet from another moored boat.
- F. The lakeshore owner shall obtain any required State or Federal permit for the placement of a mooring.

Section 7. Site Plan Approval.

- A. A Marina with a site plan that was approved before the effective date of this law is not required to obtain site plan approval unless the number of moorings is proposed to be increased. An applicant for a Marina mooring permit shall provide a copy of the approved site plan for the marina and note any changes to the site since the date of approval.
- B. The design, method of construction, number and placement of moorings, docks and other improvements on or in the water are not subject to Planning Board review.
- C. Where Site Plan approval is required, the following requirements and standards shall apply:
 - 1. The purpose of requiring site plan review is primarily to determine the adequacy of parking, marina waste pump out facilities and trash receptacles.
 - 2. The applicant shall certify the number of moorings and boat slips that existed as of the effective date of this Chapter.
 - 3. In determining whether an adequate number of parking spaces is provided, the Planning Board shall apply the following standards:
 - a. The parking requirements for on site uses, such as restaurants, retail shops, repair shops shall be calculated based on parking requirements for such uses in Chapter 270.
 - b. The parking space requirements for boat slips and moorings shall be as follows:

	Number	Ratio
Wet slips	50 and under	2 slips/1 parking space
	51 and over	3 slips/ 1 parking space
Mooring	50 and under	4 moorings/1 space
	51 and over	5 moorings/1 space

c. The Planning Board is authorized to grant variances from the parking requirements of this section in accordance with the standards for granting area variances set forth in Chapter 270.

4. Short term parking or standing areas shall be designated for loading and unloading goods and passengers going to moored boats.
5. Docking or beaching areas shall be designated for mooring dinghies. One space shall be provided for every two moorings or fraction thereof.
6. To determine the adequacy of parking, the applicant may be required to submit a plan for the entire marina site showing land based improvements, parking spaces, drives and fire lanes.
7. The location and capacity of boat pump out stations and trash receptacles shall be shown to determine if they are of sufficient size for demand generated by the additional moorings.

Section 8. Determination of Littoral Rights Lines.

- A. A lakeshore parcel's boundaries are presumed to be as shown on the real property tax maps of the City of Plattsburgh.
- B. The Littoral Rights Lines of a lakeshore parcel shall be determined as follows:
 1. Where a lakeshore parcel's shoreline is not an approximately straight line, the shoreline may be segmented to establish base lines that follow the general trend of the shoreline segments. The baseline of a straight shoreline segment shall be a line drawn between the ends of the straight line segment. The baseline of a cove shall be a line drawn between the headlands of the cove.

draft dated: November 25, 2013
 revised 11/27/2013
 revised 12/2/2013

2. The littoral rights line shall be established along a line perpendicular to the baseline where it intersects the lakeshore parcel's lateral boundary at the shoreline.
3. The littoral rights lines, extended 1500 feet from the mean high water level of the lakeshore parcel, shall be the lateral boundaries of a lakeshore parcel's mooring rights area.

- C. Where the Code Enforcement Officer determines the method of establishing littoral rights lines under section 8 B does not accord reasonably proportionate mooring areas to adjoining lakeshore parcels, taking into consideration each parcel's baseline length, he is authorized to determine the littoral rights lines by applying one of the other methods set forth in New York Office of General Services Rules and Regulations Title 9, Part 274. The Code Enforcement Officer's determination is not appealable to the Zoning Board of Appeals, but may be reviewed in an Article 78 proceeding.
- D. The Littoral Rights Lines of Real Property Tax Parcels 194.17-1-2, 194.17-1-1, 270.20-1-2.31, 2.32, 270.20-1-3, 221.8-2-1, 221.12-2-13, 221.16-1-17.3 shall be as shown on the map annexed as Appendix 1 to this law.

Section 9. Encroaching Moorings

- A. A mooring, or any part of a mooring, that is owned, has been installed or is leased by someone other than the lakeshore parcel owner whose mooring area the mooring is located in, shall be removed by the mooring owner, installer or lessee on or before April 15, 2014 unless the lakeshore parcel owner gives his written consent for the mooring to remain.

Section 10. Design, Installation, Inspection and Maintenance of Moorings.

- A. The mooring owner is responsible for the design, installation, inspection and maintenance of moorings.
- B. The mooring owner shall repair or replace any component that shows wear or other deterioration that might cause a boat to break free from the mooring.
- C. The mooring owner shall inspect all mooring components annually and file a report with the Building Inspector's office certifying that moorings were inspected and describing any repairs that were made.

Section 11. Fines, Civil Penalties, Enforcement and Other Remedies.

- A. Classification of Offense. A violation of this Chapter shall be an unclassified misdemeanor for the purpose of conferring jurisdiction and establishing fines for violations. A violation shall not be punishable by a sentence of imprisonment, but shall be punishable by a fine.

draft dated: November 25, 2013

revised 11/27/2013

revised 12/2/2013

- B. A violation by a corporation is punishable by a fine under Penal Law §80.10
- C. A violation of this Chapter may be prosecuted in a civil proceeding. A violation shall be punishable by a civil penalty.
- D. Each week that a violation continues shall constitute a separate violation. A week shall commence at 12:01AM the day after service of Notice of a Violation. A week shall end at 12:00 PM of the eighth day following service.
- E. In addition to a fine or civil penalty, the City shall be entitled to recover the cost of any surveying expense incurred in proving a violation and reasonable attorney's fees incurred in prosecuting a violation of this Chapter.
- F. Fines; Civil Penalties. A Violation shall be punishable by a fine or civil penalty as follows:
 - 1. Section 5; installation of moorings without a mooring permit, \$500.
 - 2. Section 6; installation of a mooring in, or failure to remove an encroaching mooring from a required setback area, \$500.
 - 3. Section 9; installation of a mooring, or failure to remove an encroaching mooring, in a lakeshore parcel owner's mooring area, \$500.
 - 4. Fines and Civil Penalties for violations of this Chapter may be amended by Common Council Resolution.
- G. Enforcement.
 - 1. The Corporation Counsel, Code Enforcement Officer, Housing Code Inspector, Municipal Code Inspector or a Police Officer is authorized to bring enforcement proceedings for violations charged as a misdemeanor.
 - 2. The Corporation Counsel is authorized to bring civil enforcement proceedings.

Section 12. If any clause, sentence, paragraph, subdivision, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered.

Section 13. Effective Date. This Chapter shall become effective on March 1, 2014

On Roll Call:

Voting in favor:

Voting against:

draft dated: November 25, 2013
 revised 11/27/2013
 revised 12/2/2013

The foregoing local law #___ of 2013, City of Plattsburgh Mooring Law, is hereby approved following a duly noticed public hearing held before the Common Council on December 19, 2013.

Date: December ___, 2013

Donald M. Kasprzak, Mayor

draft dated: November 25, 2013
revised 11/27/2013
revised 12/2/2013

Appendix 1.

See: Section 8 D of City of Plattsburgh Mooring Law



draft dated: November 25, 2013
revised 11/27/2013
revised 12/2/2013

JOHN E. CLUTE, ESQ.
CORPORATION COUNSEL
CITY OF PLATTSBURGH

121 Bridge Street
Plattsburgh, New York 12901

tel: 518-563-4884
fax: 518-563-5845
email: john@cctlaw.com

November 22, 2013

To: Mayor and Council

From: John E Clute

re: City lease to CVTM

On March 1, 2006 the City leased the space now occupied by Champlain Valley Transportation Museum [CVTM] to the museum for an initial term of 10 years with three 5 year options to renew. The lease also gave the lessee an option to purchase the property between years 10-15 at appraised value if then permitted under NY Law. In 2007 the City received an 800k dollar grant from DOT for property improvements; 200k city match required and paid by CVTM. Kevin Farrington is monitoring the progress on construction.

Dr. Anthony Vaccaro is the president of CVTM and a major financial supporter. Recently he inquired about exercising the option to purchase to protect the museum (and his) investment in the property. When the lease was made the Empire Zone law permitted negotiated sales of property, but that law has expired and sale of the property would require public bidding. Also, the DOT grant might be jeopardized by a transfer of title. CVTM has requested that it be permitted to exercise the options to renew which would effectively extend the lease term to 25 years, subject to the same conditions as the original lease. Submitted herewith is a lease amendment that would extend the lease term.

The current lease has performance standards for renewal. These are:

32.2.1 That the museum have been open to the public a minimum of 1000 hours per year for the two years preceding the commencement of year six (6) of the Initial Term.

32.2 That by the end of the fifth (5th) year of the Initial Term, no less than 50% of the gross floor area of the Premises (which includes approximately 29,000 square feet of indoor floor space plus outdoor space adjacent to the buildings used for permanent display of vehicles) be devoted to museum displays; that by the end of the 8th year of the Initial Term, no less than 66 2/3% of the floor area of the Premises be devoted to museum displays and shall continue until the end of the lease term, including the Option

Period. The term "museum display" is intended to include museum operations such as gift shop, office, theatre. Conference center and other areas needed and utilized for the operation of the museum.

32.2.3 That each year during the Initial Term and Option Period, the Lessee provide a copy of its annual report to the New York State Education Department to the Lessor within thirty (30) days of filing same.

To the best of my knowledge, no one in the city has monitored performance. Quite frankly, if the conditions have not been met the consequence of terminating the lease, or not approving the pending request, would probably be that the City would be compelled to either complete the project, or possibly payback grant funds that have been disbursed. The City is not in a position to do either one.

For the foregoing reasons, it seems that the prudent course of action is to approve the request for a lease extension.

If the Council wishes to have more information on past performance, or the status of the grant and construction, the request should be directed to Kevin Farrington.

If the Council is prepared to approve the lease extension request, the following resolution can be adopted:

Resolution Approving Amendment to Commercial Lease between City and CVTM

Resolved. An "Amendment to Commercial Lease" between CITY OF PLATTSBURGH and CHAMPLAIN VALLEY TRANSPORTATION MUSEUM, bearing a footer date of November 22, 2013 and consisting of 3 typewritten pages, which extends the lease term to February 28, 2031, is hereby approved. Further: A copy of said Amendment is ordered made a part of the minutes of this meeting.

cc. Kevin Farrington

AMENDMENT TO COMMERCIAL LEASE

This Amendment to Commercial Lease (the "Amendment") is entered into and made effective as of the ____ day of _____, 2013 (the "Effective Date") by and between **CITY OF PLATTSBURGH**, a New York municipal corporation with offices at 41 City Hall Place, Plattsburgh, New York 12901 (the "Lessor") and **CHAMPLAIN VALLEY TRANSPORTATION MUSEUM**, a provisionally chartered New York educational corporation, with offices at P.O. Box 2842, Plattsburgh, New York 12901. Lessor and Lessee may be hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, the Lessor and Lessee are parties to a certain Commercial Lease Agreement dated March 1, 2006 (the "Lease") (all capitalized terms not defined herein are as defined in the Lease); and

WHEREAS, pursuant to the terms and provisions of the Lease, Lessee is currently leasing and occupying certain property located at 12 Museum Way, Plattsburgh, New York, consisting of approximately [insert number of square feet] (the "Premises"); and

WHEREAS, the Initial Term of the Lease expires on February 28, 2016; and

WHEREAS, the Lessee has the option to renew the Lease for three (3) consecutive five (5) year terms pursuant to the terms and provisions of the Lease (the "Option Period"); and

WHEREAS, Lessor and Lessee each desire to extend the term of the Lease for the length of the Option Period such that the Lease would terminate on February 28, 2031.

NOW THEREFORE, for mutual consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree to modify and amend the Lease as follows:

1. **TERM:** Section 3 of the Lease is hereby deleted in its entirety and replaced with the following:

At the time the Lease was executed, the Initial Term was for ten (10) years, commencing on March 1, 2006 and ending on February 28, 2016. The Lessee has the option to renew the Lease for three (3) consecutive five (5) year terms (the "Option Period"). The term is hereby extended for the Option Period, which shall commence on February 28, 2016 and terminate on February 28, 2031. Lessee shall be permitted to terminate this Lease upon sixty (60) days prior written notice to Lessor should Lessee cease to operate the Premises for museum purposes, on account of non-renewal of Lessee's museum charter, or otherwise financial inability to do so.

1. (a) Lessor and Lessee hereby acknowledge and agree that by signing this Amendment, Lessee's option to renew the Lease for the Option Period is hereby exercised.

November 22, 2013

2. **OPTIONS TO RENEW:** Section 32 of the Lease is hereby deleted in its entirety and replaced with the following:

During the Option Period, the following terms and conditions apply:

32.1 Rent. The rent for years six (6) through ten (10) of the Initial Term and during the Option Period shall be ten percent of the Lessee's gross income, excluding gifts, donations and grants to the museum. The Rent shall be paid in advance in quarterly annual installments based upon the previous year's gross income. Within thirty (30) days of the end of the Lessee's fiscal year, and the compilation of income statements for such year, the Rent paid shall be adjusted and increased or decreased based upon the actual gross income for such year.

32.2 Performance. It is a condition of the Lessee's right to continue to lease the Premises for years six (6) through ten (10) of the Initial Term and during the Option Period that it meet or exceed the following performance standards:

32.2.1 That the museum have been open to the public a minimum of 1000 hours per year for the two years preceding the commencement of year six (6) of the Initial Term.

32.2 That by the end of the fifth (5th) year of the Initial Term, no less than 50% of the gross floor area of the Premises (which includes approximately 29,000 square feet of indoor floor space plus outdoor space adjacent to the buildings used for permanent display of vehicles) be devoted to museum displays; that by the end of the 8th year of the Initial Term, no less than 66 2/3% of the floor area of the Premises be devoted to museum displays and shall continue until the end of the lease term, including the Option Period. The term "museum display" is intended to include museum operations such as gift shop, office, theatre. Conference center and other areas needed and utilized for the operation of the museum.

32.2.3 That each year during the Initial Term and Option Period, the Lessee provide a copy of its annual report to the New York State Education Department to the Lessor within thirty (30) days of filing same.

The performance requirements set forth in Section 32.2 are also required for LESSEE's continued lease of the Premises during the Initial Term and Option Period and Lessor shall have the right to terminate this Lease, subject to the terms herein, if Lessee fails to meet the above requirements.

3. **OPTION TO PURCHASE:** Section 33 of the Lease is hereby amended by deleting the first sentence thereof and replacing it with the following:

Lessor agrees, that if then permitted under New York law, at any time during the Option Period, upon ninety (90) days written notice, it will permit the Lessee to

purchase the Premises at its then fair market value, less the cost of any capital improvements made to the Premises by the Lessee.

4. **CONSTRUCTION OF AMENDMENT:** Any terms, conditions and/or provisions of the Lease which are not modified herein shall remain in full force and effect throughout the term of the Lease and throughout any extended term thereof. If any term, condition or provision of the Lease is in conflict with any term, condition or provision of this Amendment, the conflicting term, condition or provision of this Amendment shall control. The defined and capitalized terms used in this Amendment shall have the same meaning and definition as set forth in the Lease, except as may be otherwise expressly provided for herein. All references in the Lease and in this Amendment to the "Lease" shall be construed to mean the Lease (and all exhibits attached to the Lease), as amended and supplemented by this Amendment.
5. **COUNTERPARTS:** This Amendment may be executed in any number of counterparts, each counterpart for all purposes being deemed an original, and all such counterparts shall together constitute only one and the same agreement. Facsimile or scanned copies are acceptable as an original.

IN WITNESS WHEREOF, the Parties have duly executed this Amendment to Commercial Lease as follows:

LESSOR: CITY OF PLATTSBURGH

Date

By _____
Donald Kasprzak, Manager

**LESSEE: CHAMPLAIN VALLEY
TRANSPORTATION MUSEUM**

Date

By _____
Anthony Vaccaro, President



Plattsburgh, New York

Richard A. Marks
City Chamberlain

Department of Finance
6 Miller Street
Plattsburgh, NY 12901
518-563-7704 TEL
518-563-1714 FAX

TO: Mayor Kasprzak and the Common Council
FROM: City Chamberlain's Office
DATE: December 3, 2013
RE: Aerial Fire Equipment Reserve End of Year Funding

It is requested that a budget amendment be approved as follows:

- I To authorize the transfer of 2013 SUNY Aerial Fire Equipment \$21,500.00 contribution revenue billed in 2013 to the Aerial Fire Equipment Reserve

Decrease Fund Balance, Unreserved	General Fund (1-0908)	\$21,500.00
Increase Aerial Fire Truck Equipment Reserve	General Fund (1-0878)	\$21,500.00

- II To authorize the transfer of 2013 revenue in the amount of \$21,500.00 to the Aerial Fire Equipment Reserve as a match to the 2013 SUNY Contribution

Decrease Fund Balance, Unreserved	General Fund (1-0908)	\$21,500.00
Increase Aerial Fire Equipment Reserve	General Fund (1-0878)	\$21,500.00

These amendments will designate that these funds be allocated to the Aerial Fire Equipment Reserve as well as provide the authorization to restrict the reserved cash.

CC: Carole Garcia



Plattsburgh, New York

Carole S. Garcia
Deputy City Chamberlain

Department of Finance
6 Miller Street
Plattsburgh, NY 12901
518-563-7704 TEL
518-563-1714 FAX

TO: Mayor Kasprzak and the Common Council

FROM: City Chamberlain's Office

DATE: December 03, 2013

RE: Capital Project Authorized Funding

It is requested that budget amendments to the Water Fund and Sewer Fund be approved as follows:

I. Increase Appropriated Fund Balance (Debit)	4-0599 Water Fund Balance	\$ 355,333.00
Increase Appropriations (Credit)	4-9550-000-9000 Water Fund Transfer to Capital	\$ 355,333.00
	H5110.39 2013 PW Equipment Replacement	\$ 131,333.00
	H8320.74 2013 Water System Upgrade	<u>224,000.00</u>
	Total	\$ 355,333.00
II. Increase Appropriated Reserves (Debit)	5-0513 Sewer Capital Reserve	\$131,334.00
Increase Appropriations (Credit)	5-9550-000-9000 Sewer Fund Transfer to Capital	\$131,334.00
	H5110.39 2013 PW Equipment Replacement	\$ 131,334.00

These amendments will authorize the use of applicable Fund Balance and Reserve to fund noted 2013 Capital Projects approved in separate Common Council Resolutions.



Plattsburgh, New York

Richard A. Marks
City Chamberlain

Department of Finance
6 Miller Street
Plattsburgh, NY 12901
518-563-7704 TEL
518-563-1714 FAX

Date: December 4, 2013
MEMO TO: Mayor Kasprzak
FROM: Richard Marks
RE: Judgments and Claims – Budget Transfer

It is being requested from the City Chamberlain to adjust amounts for the 2013 Budget as follows:

Decrease Appropriation:	Contingency	1-1990000-4430	\$96,500.00
Decrease Appropriation:	Celebrations	1-7550000-4430	\$ 3,500.00
Increase Appropriation:	Judgments & Claims	1-1930000-4430	\$100,000.00

This request will provide an increase to the 2013 budgeted appropriations for Judgments & Claims in the General Fund needed for unbudgeted additional insurance costs that settled claims against the City with a corresponding decrease to the 2013 budgeted appropriations for Contingency and Celebrations. This adjustment increases and decreases the 2013 General Fund Budget by \$100,000.00, equally, creating no change in the total budget.

Thank you for your attention to this request.

Cc: Carole Garcia
Steve Peters

Carlin, Beth

From: John E. Clute Esq. <john@cctlaw.com>
Sent: Thursday, December 05, 2013 9:37 AM
To: 'Chris Jackson'; Christopher C Case; George Rabideau; James Calnon; Kasprzak, Donald M.; Mark Tiffer; 'Tim Carpenter'
Cc: Primard, Kenneth M.; Carlin, Beth
Subject: HOME grant subordination request

Sorry to bring this at the last minute, but yesterday I received a request that the City agree to subordinate a repayment obligation on a HOME grant to a new mortgage. The request was sent a week ago to peg hartmann's email, but Ken Primard was on vacation when it came in. Ken has been checking Peg's emails periodically. The borrower's bank loan commitment for the new loan expires on 12/16 so unless the loan is closed by then, the borrowers will incur more costs for a loan extension.

This is a fairly common request and can be approved under New Business; there is no need to revise the meeting agenda.

The HOME program allows subordinations if the new loan interest rate is lower because it makes the housing more affordable, and if no cash or equity is received by the borrower except to pay new loan closing costs and for a few other costs not pertinent here. The financial obligation is a grant and not a loan. The grant recipient's obligation to repay the grant is forgiven if he remains in the home for a specified time. In this case the borrower will remain in the home. There is no financial risk to the city because this is a forgivable grant; not a loan.

The economics of the request are as follows:

Walter and Loreta Paynter - 14 Riverside Avenue

		% equity
appraised value	\$115,000.00	
new loan	\$ (71,000.00)	
	\$ 44,000.00	38%
city grant	\$ (13,760.00)	
equity	\$ 30,240.00	

Here is a proposed resolution if you are inclined to act tonight:

RESOLUTION – APPROVAL OF HOME GRANT SUBORDINATION 14 RIVERSIDE AVENUE

RESOLVED: The Common Council approves the homeowner's request that the City subordinate the HOME program mortgage on 14 Riverside Ave. to a new mortgage to be made by Glens Falls National Bank in the principal amount of \$71,000, and the Corporation Counsel is authorized to sign the Subordination Agreement on behalf of the City upon his determination that documentation provided by the homeowner meets NY DHCR requirements.

John E. Clute Esq.



Plattsburgh, New York

Jonathan P. Ruff, P.E.
Environmental Manager

41 City Hall Place
Plattsburgh, NY 12901
Phone: 518-536-7519
Fax: 518-563-6083
ruffj@cityofplattsburgh-ny.gov

November 26, 2013

To: Mayor Kasprzak and Members
Of the Common Council

Fr: Jonathan Ruff

Re: Training for Brain Guimond

Brian Guimond needed two one week classes to qualify for a Grade IA water treatment plant operator certification. Travel for the first class was approved by the Council earlier this year and he completed it in June. Brian took the second class earlier this month and obtained the IA certification. However, we did not get the travel approved for the second class. I apologize for the oversight. Brian incurred the expenses and now needs to be reimbursed. Attached is a spreadsheet detailing the expenses.

It is respectfully requested that reimbursement for the expenses be authorized in the amount of \$581.06.

Please contact me if you have any questions.

c: Bill Todd

Brian Guimond V#8331

DATE	MILEAGE	GAS	LUNCH	DINNER	MISC	TOTAL
Mon. 11/4/13	409 Miles on 11/3/13 and 16 miles on 11/4/13	In Mileage	\$5.96 ✓	0	0	\$5.96
Tue. 11/5/13	16 Miles	In Mileage	\$10.38 ✓	\$6.19 ✓	0	\$16.57
Wed. 11/6/13	16 Miles	In Mileage	0	\$10.86 ✓	\$2.38 ✓	\$13.24
Thur. 11/7/13	32 Miles (2 trips, 1 for study class)	In Mileage	0	\$15.93 ✓	0	\$15.93
Fri. 11/8/13	425 Miles	In Mileage	0	0	\$12.95 ✓	\$12.95
Totals	914 Miles	X .565/mile =				516.41 \$564.65 \$581.06

City of Plattsburgh, NY Water Filtration Plant

Travel Expenses for Employee #471, Brian Guimond, for 1A Advanced Operations Class in Tonawanda, NY from November 4th - November 8th 2013. Please see attached maps and receipts for costs and mileage.

Vendor# 8331

483300004340 \$129.30

OK FOR PAYMENT
SIGNATURE W. Todd DATE 11/21/13

\$581.06